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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,740	01/04/2001	Noboru Ogino	00936/LH	2736

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EXAMINER
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SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 01/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/754,740

Applicant(s)

OGINO, NOBORU

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3&4 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Telle (U.S. Patent No. 5,555,099)

Regarding claim 1, Telle discloses a document scanning apparatus for scanning a document, generating image data, and storing this image data in specified storage means, comprising:

first scanning means for sequentially transporting documents mounted in a specified document tray to a specified scan position and scanning said document at said scan position (col. 3, lines 30-37);

second scanning means for scanning a document placed on a specified document glass plane without transporting this document (col. 3, lines 37-39);

continued specification acceptance means for accepting a specification for one of document scan continuation and completion after one of scan operations for all documents mounted in said document tray through said first scanning means and for said document placed on said document glass plane through said second scanning means (col. 3, line 30 through col. 4, line 23);

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scan method selection means for responding to an acceptance of continued document scan specification by this continued specification acceptance means, selecting one of said first scanning means and said second scanning means according to a specified specification, and allowing selected scanning means to start scanning documents (col. 3, line 30 through col. 4, line 23); and

storage control means for storing generated image data as for a series of documents in said storage means, wherein a scan operation by said first scanning means and said second scanning means generates image data until said continued specification acceptance means accepts a specification to complete scanning documents (col. 3, line 30 through col. 4, line 23).

Regarding claim 2, Telle discloses the document scanning apparatus according to claim 1, wherein said continued specification acceptance means accepts a specification whether to continue scanning documents based on a specified suspension instruction also in response to a suspended scan operation performed by one of said first scanning means and said second scanning means (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claim 3, Telle discloses the document scanning apparatus according to claim 1, wherein there is provided mode changeover means which validates operations of said continued specification acceptance means, said scan method selection means, and said storage control means only when a specified special mode is enabled for said first scanning means and said second scanning means for scanning a series of documents (fig. 4, col. 7, lines 23-52).

Regarding claim 4, Telle discloses the document scanning apparatus according to claim 1, wherein there are provided conditional specification acceptance means which accepts a specification of a specified scan condition when said continued specification acceptance means

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awaits a specification whether to continue scanning documents; and

condition setup means which allows one of said first scanning means and said second scanning means to perform scanning under a scan condition updated by a specification most recently accepted by said conditional specification acceptance means when one of said first scanning means and said second scanning means performs document scanning in response to acceptance of a specification to continue scanning documents by said continued specification acceptance means (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claim 5, Telle discloses a document scanning apparatus for scanning a document, generating image data, and storing this image data in specified storage means, comprising:

scanning means for scanning said document (please refer to claim 1);

continued specification acceptance means for accepting a specification for one of document scan continuation and completion after termination of scanning of said document by this scanning means (please refer to claim 1);

conditional specification acceptance means which accepts a specification of a specified scan condition when this continued specification acceptance means awaits a specification whether to continue scanning documents (please refer to claim 1);

continued scan control means which allows said scanning means to start scanning documents under a scan condition updated by a specification most recently accepted by said conditional specification acceptance means in response to acceptance of a specification to continue scanning documents by said continued specification acceptance means (please refer to claim 4); and

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storage control means for storing generated image data as for a series of documents in said storage means, wherein a scan operation by said scanning means generates image data until said continued specification acceptance means accepts a specification to complete scanning documents (please refer to claim 1).

Regarding claim 6, Telle discloses the document scanning apparatus according to claim 5, wherein said continued specification acceptance means accepts a specification whether to continue scanning documents based on a specified suspension instruction also in response to a suspended scan operation performed by said scanning means (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claim 7, Telle discloses the document scanning apparatus according to claim 5, wherein there is provided mode changeover means which validates operations of said continued specification acceptance means, conditional specification acceptance means, continued scan control means, and said storage control means only when a specified special mode is enabled for said scanning means for scanning a series of documents (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claims 8 and 9 arguments analogous to those presented for claims 1-4 are applicable to claims 8 and 9.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
December 27, 2003

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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